

DOCKET NO. SC131301P

REMARKS

In an Office Action mailed June 22, 2005, pending claims 1 and 3-29 were examined. Claims 15-29 remained allowed, claims 1 and 4-10 were rejected and claims 11-14 were objected to. In response, Applicants are herein amending claims 1, 9, 13 and 14, and canceling claims 3 and 12. No additional fees are owed as a result of this communication. Applicants respectfully request the reconsideration and allowance of claims 1, 4-11, 13 and 14 in combination with the previously allowed claims, thereby placing the application in condition for allowance.

Claims 1, 3, 4, 6, 8, 9 and 10 were rejected under 35 U.S.C. 102(e) as being anticipated by previously cited U.S. Pub. No. 2004/0266107 A1 by Chindalore et al.. Dependent claims 11-14 were objected to and indicated to be allowable if rewritten in independent form.

Objected claim 12 is placed into independent form through the amendment of claim 1 and thus claim 12 is canceled. As a result, claims 13 and 14 are amended to depend from claim 1 rather than claim 12. Therefore, claim 1 and all dependent claims of claim 1 are in condition for allowance. Applicants therefore request the withdrawal of the rejection of claims 1, 4, 6, 8 and 10, as amended herein, thereby placing these claims in condition for allowance. Claim 9 is herein amended to include the feature of objected claim 12 which is indicated to be allowable. Further, the combined features of amended claim 9 distinguish the recited method from the Chindalore et al. publication.

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Applicants therefore request the withdrawal of the rejection of claims 1, 3, 4, 6, 8, 9 and 10 and the allowance thereof.

Claims 5 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over previously cited Chindalore (U.S. 2004/0266107 A1) in view of previously cited Steimle et al. (U.S. 2005/0059213 A1). The presumption made by the Examiner that the subject matter of the claims was commonly owned is correct, as all pending claims are commonly owned. Steimle et al. is not particularly relevant to the recited subject matter of claim 5. Steimle et al. was cited for the proposition of teaching in paragraph [0029] that "thickness of a sacrificial layer can be 50 nanometers or any other thickness". This teaching does not exist in paragraph [0029] of Steimle et al. as there is no teaching of 50 nanometers. Rather Steimle et al. teach that a dielectric layer has a thickness of 5 nanometers. This recital does not suggest the recited "a thickness of at least 10 nanometers" recited in rejected claim 5. The dimensions taught by Steimle et al. in paragraph [0029] also do not relate to a "sacrificial layer" as recited in claim 5. As a result, the rejection basis of claim 7 is not supportable because paragraph [0029] does not teach "such an oxide in the sacrificial layer formed by CVD technique". Because there is no teaching in paragraph [0029] of a sacrificial layer by Steimle et al., the combination of these two references does not teach or suggest the subject matter of claim 7. For these reasons and the combined recitals of amended claim 1, each of dependent claims 5 and 7 is readily distinguishable from the combination of Chindalore et al. and Steimle et al. Applicants request the reconsideration and withdrawal of the rejection of claims 5 and 7.

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Applicants respectfully request consideration of the amendments and the allowance of claims 1 and 4-11, 13 and 14, thereby placing the application in condition for allowance with claims 1, 4-11 and 13-29 being granted. Should issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned at (512) 996-6839.

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